Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Guatemala*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Guatemala (CRC/C/GTM/5-6) at its 2256th and 2257th meetings (see CRC/C/SR.2256 and 2257), held on 16 and 17 January 2018, and adopted the present concluding observations at its 2282nd meeting, held on 2 February 2018.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/GTM/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.[1] The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification in 2012 of the Rome Statute of the International Criminal Court. The Committee also notes with appreciation the legislative, institutional and policy measures taken to implement the Convention, in particular the adoption of: Decree No. 13-2017 setting the age of marriage at 18 years, in 2017; the national strategy to prevent chronic malnutrition, in 2016; and the policy measures to combat the worst forms of child labour, particularly the road map (2016–2020) aimed at making Guatemala free from child labour, including its worst forms. It further welcomes the adoption, in 2014, of a public policy and plan of action for combating discrimination against indigenous peoples.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: right to life, survival and

* Adopted by the Committee at its seventy-seventh session (15 January–2 February 2018).

[1] The term "children" encompasses anyone under the age of 18, including adolescents. In Spanish, "children" should be rendered as "niños, niñas y adolescentes".

development (paras. 15–16), torture and other cruel or degrading treatment or punishment (paras. 20–21), children deprived of a family environment (paras. 27–28), children with disabilities (paras. 30–31), standard of living (paras. 35–36) and indigenous children (paras. 42–43).

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

5. **The Committee recommends that the State party expedite the approval of the Act on the comprehensive protection of children and adolescents and strengthen the national system for comprehensive child protection, including by introducing special child protection measures and social protection systems for realizing children's rights. It also recommends that the State party ensure sufficient and appropriate human, technical and financial resources for the implementation of legislation providing for children's rights and accountability mechanisms.**

Comprehensive policy and strategy

6. **The Committee recommends that the State party expedite the reformulation and adoption of the public policy for the comprehensive protection of children and adolescents, which encompasses all areas covered by the Convention, and, on the basis of the policy, develop a strategy that includes the elements necessary for the application of the policy and that is supported by sufficient human, technical and financial resources. It also recommends that the State party provide for appropriate consultation with and participation of child-led organizations, including organizations of and/or working for indigenous children, in the process to update the comprehensive policy and its implementation strategy.**

Coordination

7. **The Committee, recalling its previous concluding observations (see CRC/C/GTM/CO/3-4, para. 18), recommends that the State party:**

(a) **Strengthen the independence and status of the National Commission on Children and Adolescents and provide it with a specific mandate and sufficient authority to inform the design and implementation of public policies to protect children's rights across sectors. The State party should strengthen the role of the Commission in all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels;**

(b) **Provide the human, technical and financial resources necessary for the effective operation of the Commission as a national coordination body;**

(c) **Ensure a clear mandate and build the capacity of the municipal commissions of children and adolescents to coordinate the realization of children's rights, and provide them with appropriate human, technical and financial resources to perform their duties.**

Allocation of resources

8. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Increase budgetary resources for the implementation of children's rights and, in particular, increase the budget allocated to social sectors and children in disadvantaged situations and for the implementation of measures related to birth registration, chronic malnutrition, health, education, measures to combat violence against children and deinstitutionalization;**

(b) **Address the inequality faced by, and define budgetary lines for, indigenous and Afro-descendant children, children living in poverty, both in rural and**

urban areas, migrant and refugee children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children;

(c) Establish an open budgeting process at the national, regional and municipal levels that includes public dialogue with children-led organizations;

(d) Adopt a tracking system for the allocation and use of resources for children throughout the budget and conduct impact assessments on how investment in different sectors may serve the best interests of the child;

(e) Implement immediate measures to eradicate corruption and to reduce irregular expenditure, in order to mobilize the maximum available resources for the implementation of children's rights.

Data collection

9. While noting the human development indicators adopted by the National Institute of Statistics, and with reference to general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Strengthen its data-collection system at the national and municipal levels, including for the national census and the National Survey of Living Conditions. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin, migrant, refugee and/or asylum-seeking status and socioeconomic background in order to facilitate analysis of the situation of all children;

(b) Engage with independent academic and research centres in order to develop quantitative and qualitative assessments related to the implementation of the Convention, taking a child rights-based approach;

(c) Conduct additional surveys related to the implementation of the Convention, such as the multiple indicator cluster survey;

(d) Take into account the conceptual and methodological framework set out in the publication of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights* Indicators*: A Guide to Measurement and Implementation*.

Dissemination, awareness-raising and training

10. While welcoming the training activities concerning children's rights, in particular for the judiciary and in the education sector, the Committee recommends that the State party:

(a) Set up a long-term awareness-raising strategy, including campaigns with benchmarks and indicators, aimed at disseminating among society the Convention and its Optional Protocols, as well as the Committee's general comments and its concluding observations to the State party. The State party should include the use of accessible formats, technologies and social media for reaching out to children, their families, the community and religious leaders;

(b) Adopt measures for implementing the recommendations made by the children's and adolescents' parliament concerning the dissemination of the Convention through community radio stations and in peoples' mother tongues;

(c) Develop and strengthen the capacity-building programmes of public authorities at all levels of the administration and ensure that the documents mentioned in subparagraph 10 (a) above are made an integral part of the professional training for judges, prosecutors, lawyers, the police, migration and child protection officers and civil servants.

Cooperation with civil society

11. The Committee recalls its previous concluding observations (see CRC/C/GTM/CO/3-4, para. 14) and recommends that the State party systematically

and meaningfully involve non-governmental organizations working in the field of children's rights, including children-led organizations, in the development, implementation, monitoring and evaluation of laws, policies and programmes relating to children's rights.

Children's rights and the business sector

12. **While acknowledging the adoption of the Guatemalan system of protected areas and the institutional framework concerning the business sector, in particular the extractive industries, the Committee, with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, recommends that the State party:**

(a) **Strengthen its regulatory framework regarding children's rights and business, in particular among small and medium-sized enterprises in the extractive, energy, agricultural and tourism industries, as well as in the informal economy, and provide such enterprises with guidance on and support in respecting children's rights throughout their activities;**

(b) **Establish child-sensitive mechanisms for the investigation of children's rights violations perpetrated in the context of business activities, and for the provision of redress, including criminal, civil and administrative measures of compensation and recovery;**

(c) **Disseminate among children and their representatives information about available remedies for children's rights violations perpetrated in the context of business, and ensure access by children to legal aid and a collective complaints procedure, in partnership with agencies with oversight powers relevant to children's rights, including the Office of the Human Rights Advocate;**

(d) **Require companies to undertake child-rights due diligence, in particular to carry out periodic child-rights impact assessments, consultations and full public disclosure of the environmental, health-related and human rights impact of their business activities and their plans to address such impact.**

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

13. **Noting the structural discrimination of children based on their age and the persistent discrimination and exclusion of girls, indigenous and Afro-descendant children, children with disabilities, migrant, asylum-seeking and refugee children, and lesbian, gay, bisexual, transgender and intersex children and taking into consideration measures to recognize discrimination as a criminal offence, the Committee urges the State party to:**

(a) **Develop and implement awareness-raising strategies at the community level and in schools, to ensure an attitude of respect for children and their recognition as rights holders, irrespective of their age;**

(b) **Ensure adequate budget allocation for the implementation of the public policy for coexistence and the elimination of racism and racial discrimination;**

(c) **Adopt a national strategy with clear benchmarks, indicators and monitoring mechanisms aimed at addressing structural and multiple discrimination against children belonging to the above-mentioned groups in areas such as health, education, social protection and standard of living;**

(d) **Strengthen measures to tackle poverty and extreme multidimensional poverty among indigenous and Afro-descendant children, prioritizing action at the municipal level.**

Best interests of the child

14. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the Committee recommends that the State party develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration.**

Right to life, survival and development

15. The Committee is seriously concerned about:

(a) The persistently high rates of violence against and homicide and femicide of children;

(b) The persistently high neonatal, infant and child mortality rates, in particular among children born to indigenous families;

(c) The large number of children under 5 years of age suffering from chronic malnutrition — more than 46.5 per cent, rising to 61.2 per cent among indigenous children — and the information on registered deaths of children due to chronic malnutrition, in the absence of measures to tackle this phenomenon.

16. **With reference to target 3.2 of the Sustainable Development Goals on ending preventable deaths of children under 5 years of age, the Committee urges the State party to:**

(a) **Adopt a strategy and measures to investigate cases of, and prosecute and sanction perpetrators responsible for, deaths and extrajudicial killings of children, and include provision for the monitoring of the performance of the police and judicial institutions;**

(b) **Expeditiously adopt a strategy to address the poverty and structural inequalities underlying the high rates of children with chronic malnutrition and child mortality in the State party, in particular those affecting children born to indigenous families in departments with the largest proportion of indigenous people. Such a strategy should take into consideration the underlying causes of malnutrition attributable to the lack of availability of food, the negative impact of business activities, including deforestation, and lack of access to land and security of tenure for indigenous peoples;**

(c) **Prioritize the adoption of an inter-institutional administrative protocol on children suffering from chronic malnutrition, as ordered by the Constitutional Court in 2016;**

(d) **Implement and apply the Office of the United Nations High Commissioner for Human Rights technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).**

Respect for the views of the child

17. **With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Ensure that children's inclusion and participation is not just symbolic, but that children's views are meaningfully listened to and given due consideration;**

(b) Ensure that children's views are taken into consideration in national and local decision-making mechanisms for adopting public policies, in judicial and administrative processes and in all settings and situations, including in situations of violence and emergency situations;

(c) Implement awareness-raising activities, including campaigns, to promote meaningful and empowered participation of children within the family and community, paying particular attention to girls and children in vulnerable situations.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

18. **Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recalls its previous concluding observations (see CRC/C/GTM/CO/3-4, para. 52) and urges the State party to:**

(a) Adopt a strategy to promote universal and timely birth registration, free of charge, and in particular facilitate access to registry offices or mobile units in all maternity wards and in communities and rural areas where children are born under the care of traditional birth attendants;

(b) Remove fines for late registration and provide information on free access to birth registration;

(c) Ensure that public authorities at all levels appropriately consider the unique identification code for the implementation of public policies and programmes for the protection of children's rights.

Access to appropriate information

19. **With reference to its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

(a) Take measures to increase access by children to appropriate information, including online, especially for those who live in remote and rural areas and indigenous, Afro-descendant and refugee children, in conformity with their age, maturity and cultural background;

(b) Adopt measures to protect children from harmful information and products and online risks, and against negative portrayal and discrimination against children;

(c) Provide training to social communicators and journalists about children's rights;

(d) Expand coverage of and access to the Internet for children living in rural areas.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

20. The Committee is seriously concerned about:

(a) The deplorable living conditions and maltreatment of, and reports of disappearances and trafficking of, violence against and abuse of, children in public care centres, mainly affecting girls and children with disabilities;

(b) The deaths of 41 girls, and the serious injuries suffered by 21 girls, as a consequence of a fire in the Hogar Seguro Virgen de la Asunción State care centre in March 2017, the absence of remedies and psychosocial redress for the surviving victims

and the transfer of survivors to other care institutions, where they continue to be exposed to risks of violence, including corporal punishment, abuse and overcrowded conditions;

(c) The overcrowded and deficient living conditions in juvenile detention facilities and prisons, which can amount to torture or cruel, inhuman or degrading treatment of children, as well as incidents of violence and riots;

(d) The high rates of impunity and low numbers of prosecutions and convictions of perpetrators of violence against children in public care institutions and detention centres;

(e) The lack of information on remedies and redress for child victims of violence, abuse and neglect in State care.

21. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against children, the Committee urges the State party to:**

(a) **Adopt as a matter of urgency a comprehensive strategy to end all abuse of children in institutional care settings, systematically monitor the situation of children in institutions and prioritize investigations of all instances of violence, ensuring the identification and immediate removal of staff responsible for violence and abuse;**

(b) **Carry out an independent and impartial investigation into the events that took place in Hogar Seguro Virgen de la Asunción in March 2017 and into allegations of previous maltreatment of children at the centre, aimed at identifying, prosecuting and convicting perpetrators, and adopt administrative measures against staff found responsible, including suspension from their current duties;**

(c) **Conduct an individualized assessment of the psychosocial situation of the surviving victims of the fire at Hogar Seguro Virgen de la Asunción and the families of all of the victims, and provide them with access to psychosocial redress and recovery. The State party should build the capacity of the Social Welfare Secretariat to address the situation of child victims from a child rights-based perspective;**

(d) **Adopt a comprehensive reparations programme for all children in institutions, including measures for restitution, rehabilitation, satisfaction and compensation, as well as a guarantee of non-recurrence with respect to the incident that occurred in March 2017 in Hogar Seguro Virgen de la Asunción;**

(e) **Adopt measures to monitor the situation of and protect children transferred from Hogar Seguro Virgen de la Asunción to other institutions, as well as children in family reunification processes. The State party should ensure periodic assessments, access to information and deinstitutionalization, as well as close cooperation with the Office of the Human Rights Advocate and implementation of the recommendations issued by that Office;**

(f) **Expeditiously adopt a comprehensive strategy to reduce overcrowding in juvenile detention centres and improve the living conditions of children in detention;**

(g) **Reinforce measures to combat impunity and ensure prompt and thorough investigations and convictions of perpetrators of violence, torture, ill-treatment and/or abuse;**

(h) **Establish an information management system to track the number of cases of torture and other cruel, inhuman or degrading treatment or punishment of children in all settings, as well as the number of prosecutions of perpetrators and the punishments imposed;**

(i) **Establish a complaints procedure for all children in care and detention centres and provide appropriate remedies.**

Violence, abuse and neglect

22. **The Committee remains deeply concerned at the high level of violence against children, including sexual violence and exploitation, abuse, trafficking and ill-treatment in all settings, and urges the State party to:**

(a) **Adopt a comprehensive strategy that involves multisectoral institutions and all administrative levels to prevent and address all forms of violence and abuse against children in all settings and that provides for the development of a comprehensive data-collection system for use in addressing the root causes of violence and abuse, and establish a national coordinating framework to address all forms of violence against children;**

(b) **Strengthen awareness-raising and education programmes, in particular community-based programmes, in order to prevent and combat child abuse, paying particular attention to the gender dimension of violence and violence against children of indigenous and Afro-descendant peoples and children with disabilities;**

(c) **Apply Decree No. 9-2009, in which child abuse is defined as a crime, and bring the law on the comprehensive protection of children and adolescents and the Civil Code into line with that definition.**

Corporal punishment

23. **With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to expedite the adoption of draft law No. 5184 on the use of corporal punishment and other cruel forms of punishment as a correctional or disciplinary measure for children and adolescents, which would criminalize corporal punishment in all settings, including the home. The State party should promote positive, non-violent and participatory forms of child-rearing and discipline.**

Sexual exploitation and abuse

24. **While noting the mandate of and measures adopted by the Secretariat on Sexual Violence, Exploitation and Trafficking in Persons concerning sexual violence against children, the Committee recommends that the State party:**

(a) **Introduce complaint and early warning procedures in situations of sexual violence and abuse by parents, relatives or caregivers, in close collaboration with child-led organizations and other organizations working on children's rights;**

(b) **Conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels and judicial procedures for such violations;**

(c) **Establish guidelines and prosecution strategies for sexual exploitation and abuse that are gender- and child-sensitive and strengthen the capacity of the Public Prosecutor's Office and police to conduct criminal proceedings in such cases;**

(d) **Allocate a specific budget for developing programmes for the prevention of such crimes, and for the recovery and social reintegration of child victims.**

Gang violence

25. **The Committee recalls its previous concluding observations (see CRC/C/GTM/CO/3-4, para. 93) and recommends that the State party:**

(a) **Adopt comprehensive strategies to effectively tackle gang violence. The strategies should not be limited to penal measures; they should also address the social factors and root causes of gang violence and crime related to drugs among adolescents, and should include policies for the social inclusion of marginalized children;**

(b) Establish programmes providing children in gangs, known as *maras*, with assistance to leave gangs and be reintegrated into society;

(c) Conduct awareness-raising programmes, inter alia in the mass media and on social media, on the dangers of joining a gang, including with the involvement of children.

Harmful practices

26. **With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, and given the persistence of child marriage, the Committee recommends that the State party adopt awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders and judges and prosecutors.**

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

27. The Committee remains seriously concerned about the prevalence of residential care of children, in the absence of a national policy and strategy to promote foster families in the State party, and the absence of social programmes for the reintegration of children into their communities.

28. **The Committee recalls its previous concluding observations (see CRC/C/GTM/CO/3-4, para. 59) and recommends that the State party:**

(a) Adopt a strategy to promote family-based care for children in all circumstances and provide sufficient budget allocations to foster families across the country;

(b) Expeditiously adopt a strategy with benchmarks and goals for the deinstitutionalization of children, strengthen local and municipal provision of services for children and families and avoid building any new large care institutions;

(c) Adopt safeguards and criteria, based on the needs and best interests of the child, for determining the placement of children, including children with disabilities, in alternative care only as a last resort, and adopt a timetable for the closure of care institutions and a moratorium on new institutionalizations;

(d) Ensure periodic review of the placement of children in foster care and institutions;

(e) Create a registry of children in residential care, disaggregated by sex, age, ethnic origin and type of disability, aimed at enhancing social reintegration.

Adoption

29. **The Committee recommends that the State party ensure that all safeguards provided for in the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption are met when children are adopted into families from countries that are not contracting States to that Convention.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

30. The Committee is deeply concerned:

(a) About multiple and intersectional discrimination against children with disabilities in all areas of life, and lack of access by those children to community services;

(b) That children with disabilities face a high risk of abuse, neglect and violence in all its forms;

(c) That institutionalization is used as a main measure in cases of poverty, neglect, violence or family separation;

(d) About the prevalence of segregated special education for children with disabilities and insufficient teacher-training programmes.

31. **With reference to its general comment No. 9 (2006) on the rights of children with disabilities, and recalling the recommendations that the Committee on the Rights of Persons with Disabilities addressed to the State party (see CRPD/C/GTM/CO/1, para. 24), the Committee urges the State party to:**

(a) **Adopt a human rights-based model of disability and set up a comprehensive strategy for the inclusion of children with disabilities in society, encompassing, inter alia, the development of accessible services, including health, education, social protection and support services;**

(b) **Ensure that antidiscrimination legislation and policies include measures to tackle multiple and intersectional discrimination against children with disabilities;**

(c) **Adopt measures to prevent abuse and neglect of, and violence against, children with disabilities;**

(d) **Ensure that all children with disabilities are able to live in a family setting, on an equal basis with other children, and adequately train foster parents for that purpose;**

(e) **Immediately set up a comprehensive strategy aimed at ensuring full access by children with disabilities to inclusive education, and develop guidelines aimed at providing support for children with disabilities in education.**

Health and health services

32. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.2 of the Sustainable Development Goals on ending preventable deaths of newborns and children under 5 years of age, the Committee recommends that the State party:**

(a) **Adopt a comprehensive national health plan providing for the improvement of existing, and the establishment of new, health-care infrastructure and services, and ensure the availability of health-care professionals, access to diagnostic services and treatment for all children;**

(b) **Intensify its efforts to ensure access to health services by children of indigenous and Afrodescendent peoples living in rural areas and children with disabilities, and ensure sufficient and continuous provision of medicine and medical supplies, infrastructure and equipment;**

(c) **Ensure sufficient budget allocation for universal coverage of vaccinations and the provision of nutrients and minerals for children, as well as programmes to combat child and maternal mortality and malnutrition, and undertake periodic assessments of those programmes;**

(d) **Establish mental health services and programmes for children, ensuring outpatient services for psychosocial care and rehabilitation in rural and urban areas, with a particular focus on suicide prevention, including the establishment of a helpline accessible 24 hours per day, seven days per week.**

Adolescent health

33. **With reference to its general comments No. 20 (2016) on the implementation of the rights of the child during adolescence and No. 4 (2003) on adolescent health, and noting with concern the barriers that adolescents continue to face in access to sexual and reproductive health-care services and education, the high incidence of teenage pregnancy and elevated risks of maternal mortality among adolescent mothers, and the insufficient access to modern methods of contraception and family planning, the Committee recommends that the State party:**

(a) **Ensure that sexual and reproductive health education is part of the mandatory school curriculum, and that it is developed with the involvement of adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;**

(b) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, ensuring that their views are always heard and given due consideration as part of the decision-making process;**

(c) **Ensure that information about family planning methods and modern contraceptives is available for adolescents in accessible formats and indigenous languages;**

(d) **Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services, and improve access to and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women and girls.**

Nutrition

34. **Taking note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, the Committee recommends that the State party:**

(a) **Ensure periodic increases in budget allocations for implementing the national strategy to prevent chronic malnutrition and other programmes to combat chronic malnutrition and regularly assess their impact;**

(b) **Set up a plan for addressing severe acute malnutrition among children living in the "dry corridor" area, and strengthen the capacity of communities to prevent malnutrition in the context of the seasonal hunger phenomenon;**

(c) **Enforce the Law on national food and nutrition security, in order to address violations of the right to food, and address the multi-causal aspect of chronic malnutrition, including by ensuring access to food, protection of rural and community production of food, and access to land and productive resources by families in rural areas.**

Standard of living

35. The Committee is seriously concerned about:

(a) The forced evictions of indigenous peoples that have resulted from the persistent disputes over landownership and that have affected children in, among others, the Petén, Izabal and Alta Verapaz regions;

(b) The high levels of multidimensional poverty and child poverty, and that social protection systems available to children are limited, in particular during early childhood and in terms of focus on indigenous children, children with disabilities and children living in rural areas;

(c) The limited access to water and sanitation, particularly in rural areas.

36. **The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party:**

(a) **Establish for public authorities' the duty to consider the impact of forced evictions on children and ensure the implementation of resettlement plans and humanitarian assistance for the evicted communities of Laguna Larga, Chab' ilch' och, and La Cumbre;**

(b) **Under the national development plan covering the period up to 2032, provide assistance for families with children to ensure a decent standard of living, and hold targeted consultations with families, children and organizations working in the field of children's rights on the issue of child poverty;**

(c) **Adopt a legal and policy framework for ensuring the enjoyment of the rights to drinking water and to sanitation, and ensure sanitation coverage and access to drinking water for rural communities.**

Impact of climate change

37. **Drawing attention to target 13.b on promoting mechanisms for raising capacity for effective climate change-related planning and management, the Committee recommends that the State party ensure that the needs and views of children living in the "dry corridor" area are taken into account in developing policies and programmes to address the impact of climate change and in developing disaster risk management strategies.**

G. Education, leisure and cultural activities (arts. 28–31)

Education, vocational training and guidance

38. **With reference to its general comment No. 1 (2001) on the aims of education, and taking note of target 4.a of the Sustainable Development Goals on building and upgrading education facilities that are child, disability and gender sensitive and providing safe, non-violent, inclusive and effective learning environments for all, the Committee recommends that the State party:**

(a) **Adopt a strategy aimed at increasing the enrolment of children in primary, secondary school and preschool, in particular those living in areas with high levels of multidimensional poverty;**

(b) **Develop programmes aimed at improving the quality of education, and seek technical cooperation and assistance for the training of teachers and for access to education technologies;**

(c) **Take measures to tackle school dropout, bearing in mind the barriers to access to education that affect indigenous girls.**

Rest, leisure, recreation and cultural and artistic activities

39. **With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party adopt and implement, in close consultation and collaboration with children-led organizations, play and leisure policies with sufficient and sustainable resources, and provide children with safe, accessible, inclusive and smoke-free spaces for play and socialization and public transport to access such spaces.**

H. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children

40. **With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:**

(a) **Enact a legal framework for asylum, and enforce the new Migration Code, in line with the right of the child to have his or her best interests taken as a primary consideration in all decisions related to the transfer of any asylum-seeking or refugee children from Guatemala;**

(b) **Ensure the identification of refugees and their enrolment in the civil registry and strengthen opportunities for children to ensure a prompt inclusion in society.**

Children in situations of migration

41. **With reference to its general comments No. 22 (2017) on the general principles regarding the human rights of children in the context of international migration and No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, both issued jointly with the Committee on Migrant Workers, the Committee recommends that the State party:**

(a) **Develop a comprehensive, child rights-based policy to address the root causes of the irregular and unaccompanied migration of children;**

(b) **Establish a normative and public policy framework for the protection of children in the context of international migration and ensure that data-collection systems include disaggregated information about children in situations of migration;**

(c) **Adopt measures to protect children who have been subjected to deportation from other countries, including by undertaking risk assessments on the security of children in their communities of origin, and collect disaggregated data related to cases of children's repatriation, including on the reintegration of children into their families and communities;**

(d) **Collect disaggregated data on the situation of children in the State party left behind by migrant family members.**

Indigenous children

42. The Committee is seriously concerned about:

(a) The absence of a legislative and policy framework to protect the right of indigenous children to free, prior, and informed consultations and consent in relation to all matters that may affect them;

(b) The lack of disaggregated data on children belonging to indigenous peoples and assessments of their situation;

(c) The fact that access to quality education, and the coverage of bilingual education, are limited;

(d) Barriers that prevent access to appropriate and culturally acceptable health services and care.

43. **With reference to its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to:**

(a) **Expeditiously impose on all public authorities the duty to consult with the indigenous peoples concerned, including children, in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, and provide effective remedies in cases of violation of their rights;**

(b) **Set up a system for the collection of data on the situation of indigenous children;**

(c) **Allocate sufficient human, technical and financial resources to ensure the full implementation of intercultural bilingual education;**

(d) **Eliminate barriers that prevent access to health care by indigenous peoples, including by enhancing infrastructure, providing transportation from remote areas to health-care facilities, and providing health-care personnel with training on indigenous languages and culture-sensitive services.**

Economic exploitation, including child labour

44. **The Committee recommends that the State party intensify its efforts to eliminate child labour in all economic sectors, including by prohibiting child labour in its legislation in line with international standards and establishing multisectoral programmes at the local and regional levels to combat child labour.**

Children in street situations

45. **With reference to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party:**

(a) **Collect data on the number and situation of children in street situations;**

(b) **Adopt a strategy for the protection and support of children in street situations, with the active involvement of children in street situations themselves;**

(c) **Set up guidelines for the police in order to prevent the institutionalization, criminalization and persecution of children in street situations.**

Administration of juvenile justice

46. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, and noting with concern the problems and the systematic use of detention, including pretrial detention, and the conditions of detention, the Committee recommends that the State party revise its approach to child offenders and:**

(a) **Ensure that detention, including pretrial detention, is avoided to the maximum possibility, raise the minimum age of detention and use detention as a measure of last resort and for the shortest possible period of time, and review it on a regular basis with a view to its withdrawal;**

(b) **Establish specialized juvenile court facilities across the country, in particular in remote and rural areas;**

(c) **Conduct a review of its legislation and procedures concerning juvenile justice in order to prevent long pretrial transfers of children in conflict with the law from remote areas to Guatemala City;**

(d) **Promote non-judicial measures in cases of children accused of criminal offences, such as mediation, diversion or non-custodial sanctions, including probation, counselling or community service, and intensify its efforts to implement alternative measures at sentencing;**

(e) **Strengthen its efforts to curb overcrowding, provide socioeducational and recreational programmes to children in detention facilities and promote the reintegration of those children into society.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

47. **The Committee recommends that the State party:**

(a) **Adopt measures to prosecute and sanction all perpetrators of offences under the Optional Protocol, including perpetrators of online child sexual exploitation;**

(b) **Strengthen its efforts to implement the search mechanisms for missing children provided for in the Law on the Alba-Keneth alert system of 2010 and, adopt as a priority, search mechanisms for children missing from care institutions, including**

those missing as a consequence of the tragedy that took place at Hogar Seguro Virgen de la Asunción;

(c) Adopt strategies to provide legal and psychosocial counselling for child victims of trafficking, prostitution and pornography, and establish a mechanism for the rehabilitation, recovery and reintegration of child victims of offences under the Optional Protocol.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

48. **The Committee, recalling its previous recommendations (see CRC/C/GTM/CO/3-4, paras. 85 and 87), recommends that the State party:**

(a) Establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol;

(b) Strengthen activities for the prevention of recruitment of children by non-State armed groups, including *maras* and drug traffickers, by addressing the root causes, such as situations of poverty, economic exclusion and discrimination;

(c) Prosecute and sanction perpetrators in cases of recruitment and use in hostilities of persons under 18 years of age by non-State armed groups;

(d) Ensure that children in military schools receive education on the Convention and the Optional Protocols thereto;

(e) Strengthen measures to ensure that child victims of the offences covered under the Optional Protocol are provided with culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration.

I. Ratification of the Optional Protocol on a communications procedure

49. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

J. Ratification of international human rights instruments

50. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:**

(a) International Convention for the Protection of All Persons from Enforced Disappearance;

(b) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

K. Cooperation with regional bodies

51. **The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

52. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. Next report

53. **The Committee invites the State party to submit its seventh report by 1 September 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

54. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**